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May 29, 2024

Via ECF

The Honorable Robert W. Lehrburger, U.S.M.J.
 United States District Court
 Southern District of New York
 500 Pearl Street
 New York, New York 10007

Re: *Ademi v. Central Park Boathouse, LLC et al*
Case No.: 22-cv-08535

Dear Judge Lehrburger:

We are counsel to Plaintiff in the above captioned matter. We write to inform the Court of an ongoing discovery dispute.

In their May 28, 2024 letter, Defendants request that the Court stay discovery so "that Judge McMahon be allowed to issue a ruling on the Plaintiff's May 16, letter [...]". The Honorable Judge McMahon ruled on Plaintiff's May 16 letter motion requesting leave to file a Motion for Partial Summary Judgment stating that the Parties "do not need [Her Honor's] permission to file a motion. Therefore, whether the Parties elect to file their Motion for Summary Judgment, or not, is their prerogative, and is separate and unrelated to discovery.

Additionally, Your Honor's February 16, 2024 Order directed the Parties to treat the September 30, 2024 discovery deadline "as a firm deadline". Accordingly, Plaintiff (1) mediated in good faith, (2) met with Defendants, in person, to discuss the potential settlement of this matter, (3) attempted to schedule depositions, (4) served and received discovery on behalf of the opt-ins, (5) met and conferred several times regarding Class Discovery, and is now waiting for Defendants to produce the agreed upon Class Discovery. In the meantime, Defendants focused their resources on blocking Plaintiff from filing his motion for summary judgment, and from taking Defendants' deposition.

Defendants should not be allowed to further delay proceedings by staying discovery and unnecessarily preventing Plaintiff from receiving the documents and deposition testimony he is entitled to. Therefore, Plaintiff respectfully requests that Defendants' motion to stay discovery be denied. Additionally, Plaintiff respectfully requests that Defendants be compelled to appear for depositions within the month of June. Defendants have thus far refused to provide deposition dates for the following witnesses: Individual Defendant Dean Poll, and Michael Amore. Defendants have also refused to provide the contact information of Sam Inacci, the Controller of the Restaurant.

Respectfully submitted,

/s/ C.K. Lee

C.K. Lee, Esq.

cc: all parties via ECF

The requests are denied as moot in light of Defendants' representations made at Dkt. 71. Plaintiff may renew his motion to compel if Defendants do not produce Poll and Inacci for deposition in June as they have represented they will do.

SO ORDERED:

5/29/2024



HON. ROBERT W. LEHRBURGER
 UNITED STATES MAGISTRATE JUDGE